



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, April 9, 2014

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Councilmember Stuart Fleming, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20140256 Government Finance Officers Association Award

Sam Lady, Finance Director, and Lori Duncan, Budget Manager, City of Marietta Finance Department, receive the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for 16th consecutive year. "This award is the highest form of recognition in governmental budgeting and represents a significant achievement."

20140371 Community Involvement and Collaboration Award from the ARC

The City of Marietta in partnership with Youth Empowerment through Learning, Leading and Serving (YELLS) received this award from the Atlanta Regional Commission in the category of Community Involvement and Collaboration. The Marietta YELLS program recognizes the power of youth service to affect the lives of those serving and those being served. YELLS offers three innovative youth programs: YELLS Mentoring, the YELLS Afterschool Program and the YELLS Community Action Café and Teen Center, which engages teens in academics, financial literacy and career and leadership development experiences while they lead community initiatives and manage and operate a café-style business.

The YELLS program objectives are to:

- Empower youth to be active, healthy and productive servant-leaders within their communities.
- Support and equip youth to achieve academic excellence and build strong personal character.
- Equip youth and their families with the tools to elevate their lives through education, financial empowerment and community involvement.

20140333 Marietta Parks and Recreation 10U Girls are District Champions and State Runner-ups

Recognition of the Marietta Parks and Recreation coaches and 10U All-Star Girls Basketball players who participated in the Georgia Recreation and Park Association (GRPA) District 5 Tournament in late February. The team placed 1st in the District Tournament on March 1, 2014. The following weekend the team advanced to the State Tournament and placed 2nd in the tournament.

20140372 Keep Marietta Beautiful Thanks Volunteers

Keep Marietta Beautiful thanks the 155 World Mission Society Church of God members. They pulled over 8000 pounds of trash from about a mile of creeks in Marietta. Many city employees were out also, in addition to Councilmembers Johnny Walker and Michelle Cooper Kelly and Cobb County Commissioner JoAnn Birrell.

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:**

UNSCHEDULED APPEARANCES:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

* **20140368 Regular Meeting - March 12, 2014**

Review and approval of the March 12, 2014 regular meeting minutes.

* **20140369 Special Meeting - March 26, 2014**

Review and approval of the March 26, 2014 special meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20140274 Z2014-02 Yhonny Carrero 618 and 620 Bellemeade Drive

Z2014-02 [REZONING] YHONNY CARRERO request rezoning for property located in Land Lot 00650, District 17, Parcels 2130 and 2150, 2nd Section, Marietta, Cobb County, Georgia and being known as 618 and 620 Bellemeade Drive from RA-6 (Single Family Residential-Attached) to R-4 (Single Family Residential 4 units/acre). Ward 2B.

The Planning Commission recommends approval w/stipulation Vote: 5 – 0 – 0

Motion: Mr. Vanderslice made a motion to approve the request, seconded by Ms. Richardson.

Stipulations: That this request be for a single family dwelling only.

PUBLIC HEARING (all parties are sworn in)

20140275 Z2014-03 George Suarez 1161 Sandy Plains Road

Z2014-03 [REZONING] GEORGE SUAREZ request rezoning for property located in Land Lot 07790, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1161 Sandy Plains Road from R-2 (Single Family Residential 2 units/acre) to NRC (Neighborhood Retail Commercial). Ward 6B.

The Planning Commission recommends approval w/variances Vote: 4 – 1 – 0 with Mr. Vanderslice opposed.

Motion: Ms. Richardson, seconded by Mr. Anderson, moved to make a recommendation to city council to approve the application, as written.

Variances:

- 1. Variance to reduce the major side setback from 20' to 10' for the encroachment of the existing structure. [§708.15 (H)]*
- 2. Variance to reduce the buffer along the eastern property line from 30' to 0.' [§708.15 (I)]*
- 3. Variance to reduce the major side yard setback for an unenclosed projection (deck) from 10' to 5.' [§708.15 (H) & §710.14 (B)]*
- 4. Variance to reduce the width of the planted border area from 10' to 3' in order to accommodate the widening the right of way. [§712.08 (G2)]*
- 5. Variance to allow the use of pervious pavers as an acceptable parking surface. [§716.08 (A.) and (B.)]*
- 6. Variance to reduce the required parking for a restaurant from one space for every 175 square feet to one space for every 213 square feet. [§716.07 TABLE J.]*

PUBLIC HEARING (all parties are sworn in)

20140276 Z2014-04 Michael P. Landry, LLC 346 & 354 Lawrence Street

Z2014-04 [REZONING] MICHAEL P. LANDRY, LLC request rezoning for property located in Land Lot 12160, District 16, Parcels 0420 and 1210, 2nd Section, Marietta, Cobb County, Georgia and being known as 346 & 354 Lawrence Street from R-4 (Single Family Residential 4 units/acre) to OIT (Office Institution Transitional). Ward 5A.

The Planning Commission recommends approval w/variances Vote: 3 – 2 – 0 with Ms. McCrae and Ms. Richardson opposed.

Motion: Mr. Vanderslice moved to make a recommend to city council to approve this rezoning, seconded by Mr. Anderson.

Variances:

- *Variance to allow a 6' tall fence in the front yard and along the eastern property line. [§710.04 (D.)(1.)]*
- *Variance to allow the use of pervious pavers as an acceptable parking surface. [§716.08 (A.) and (B.)]*

PUBLIC HEARING (all parties are sworn in)

20140277 Z2014-05 Christina L. Bailey 759 Lowell Drive

Z2014-05 [REZONING] CHRISTINA L. BAILEY request rezoning for property located in Land Lot 00090, District 17, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia and being known as 759 Lowell Drive from RM-12 [Multi-family Residential (12 units/acre) County] to RM-12 [Multi-family Residential (12 units/acre) City]. Ward 2B.

The Planning Commission recommends approval w/stipulation Vote: 4 – 1 – 0 with Mr. Vanderslice opposed.

Motion: Ms. Richardson moved to make a recommendation to city council to approve the rezoning, seconded by Mr. Anderson.

Stipulations: That this property be rezoned to R-3.

PUBLIC HEARING (all parties are sworn in)

20140278 A2014-01 Christina L. Bailey 759 Lowell Drive

A2014-01 [ANNEXATION] CHRISTINA L. BAILEY requests annexation for property located in 00090, District 17, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia, and being known as 759 Lowell Drive, consisting of a total of 0.4 acres; along with all required right-of-way. Ward 2B.

The Planning Commission recommends approval Vote: 4 – 1 – 0 with Mr. Vanderslice opposed.

Motion: Ms. Richardson moved to make a recommendation to city council to annex this property from Cobb County into the city of Marietta, seconded by Mr. Anderson.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20140279 CA2014-02 Christina L. Bailey 759 Lowell Drive

CA2014-02 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 00090, District 17, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia, and being known as 759 Lowell Drive, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 2B.

The Planning Commission recommends approval Vote: 5 – 0 – 0

Motion: Ms. Richardson moved to make a recommendation to city council to designate the future land use as MDR (Medium Density Residential) seconded by Mr. Anderson.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

*** 20140280 Z2014-06 City of Marietta 1803 Lower Roswell Road**

Z2014-06 [REZONING-ISLAND ANNEXATION] CITY OF MARIETTA request rezoning for property located in Land Lot 12070, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1803 Lower Roswell Road from GC [General Commercial (County)] to LI [Light Industrial (City)]. Ward 7A.

The Planning Commission recommends approval Vote: 5 – 0 – 0

Motion: Ms. Richardson moved to make a recommendation to the city council to approve the rezoning application from GC (General Commercial) in the county to LI (Light Industrial) in the city, seconded by Ms. McCrae. Motion carried 5 – 0 – 0.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20140281 A2014-02 City of Marietta 1803 Lower Roswell Road**

A2014-02 [ISLAND ANNEXATION] CITY OF MARIETTA request annexation for property located in Land Lot 12070, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1803 Lower Roswell Road consisting of 1.033 acres; along with all required right-of-way. Ward 7A.

The Planning Commission recommends approval Vote: 5 – 0 – 0

Motion: Mr. Vanderslice moved to make a recommendation to approve the annexation, as presented, seconded by Ms. Richardson.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20140282 CA2014-03 City of Marietta 1803 Lower Roswell Road**

CA2014-03 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 12070, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1803 Lower Roswell Road, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

The Planning Commission recommend approval Vote: 5 – 0 – 0

Motion: Mr. Vanderslice made a motion to approve the code amendment, seconded by Mr. Anderson.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20140284 A2014-03 Loudermilk Homes, LLC 1400 Allgood Road

A2014-03 [DEANNEXATION] LOUDERMILK HOMES, LLC request deannexation for property located in Land Lot 09210, District 16, Parcel 00200, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1400 Allgood Road. Ward 6.

The Planning Commission recommends approval ()Vote: 3 – 2 – 0 with Ms. McCrae and Chairman Kinney opposed.*

Motion: Ms. Richardson moved to recommend approval to city council for the deannexation of 1400 Allgood Road, seconded Mr. Vanderslice.

()Recommendation: Approval, subject to applicant providing correct legal description prior to the City Council Meeting on Wednesday, April 9, 2014.*

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson***** 20140314 Property Designation for Broker Services**

Motion to designate the properties identified as: 994 Roswell Street, 1010 Roswell Street and 942 Roswell Street for sale by the City's selected broker, Daniel Buyers with McWhirter Realty Corp. to market for sale.

*** 20140380 Addendum to Property Management Agreement**

Motion to approve the revised property management agreement (Contract #4160, dated 11/21/13) between the City of Marietta and Marietta Housing Authority dated November 21, 2013.

* **20140381 Demolition of Woodlands Park at 861 Franklin Road and Flagstone Village at 849 Franklin Road**

Motion to Authorize Marietta Housing Authority to begin the demolition process to demolish properties located at 861 Franklin Road and 849 Franklin Road and further stating that the apartments will not be torn down until all tenants have moved out.

* **20140315 Final FFY'14 CDBG Project List**

Approval of a Resolution authorizing the submittal of the City's FFY'2014 CDBG Final Project List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, approving the use of \$542,384 of CDBG FFY'2014 funds the City will receive from HUD.

* **20140316 FFY 2014 CDBG Sub-recipient Agreement**

Approval of a Resolution authorizing the execution of the FFY' 2014 CDBG Program Sub-recipient Agreement with Cobb County; further, the CDBG Sub-recipient Agreement allows the receipt of \$542,384 of HUD CDBG funds.

2. Finance/Investment: Stuart Fleming, Chairperson

* **20140286 Redevelopment Bond**

Approval of an amendment to the Fiscal Year 2014 Budget to appropriate the remaining bond proceeds and account for bond expenses pursuant to the original appropriation approved on December 11, 2013.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20140310 Revised Detailed Plan for 1851 West Oak Parkway**

Motion to approve the revised detailed plan for 1851 West Oak Parkway as amended.

20140311 Revised Detailed Plan for Meeting Park

Motion to approve the revised detailed plan for Meeting Park, as shown on the attached plans, allowing the following changes:

1. Revised landscape plan for the entire development
2. Structures in the common areas (trellises, mail kiosk building, seating areas, water features, fire pits) .
3. Two freestanding nostalgic signs (4'x6' panel, 8' maximum height), one located at the northeastern corner of Green and Waterman Street and the other located along Roswell Street at the sales office. Signs must be located at least 5' from any property line.
4. Architectural enhancements to the sales office
5. Raised crosswalks/speed tables in the locations shown on the plans and according to the attached specifications provided by Public Works

* **20140130 Abandoned/Boarded Dwellings**

Approval of the submission to the State of Georgia of an ordinance amending Section 7-4-2 of the Marietta City Code to include Section 7-4-2-150 , Regulation of Boarded-Up Buildings.

Council member Goldstein voting against.

* **20140387 Submission of proposed Adoption of current State version of International Property Maintenance Code**

Approval to forward a proposed Ordinance amending Section 7-4-2-100 of the Marietta City Code to adopt the International Property Maintenance Code, 2006 edition to the State of Georgia for review.

Council member Goldstein voting against.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20140307 Art in the Park Request**

A motion approving a waiver of City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the annual Labor Day Weekend "Art in the Park" event sponsored by the Marietta Business Association with the stipulation that the applicant conduct the sale of beer in the intersections of N. Park Square/Lawrence St. and Roswell St./E. Park Square and on Atlanta St. beginning Saturday, August 30 through Monday, September 1, 2014 during festival operating hours in accordance with local and state regulations

* **20140309 Lake Park Funding Request**

A motion approving the expenditure of \$937.12 in funding from the 2009 Parks Bond, specifically from Category B - Improvements to Existing Parks and Facilities - Lake Park, for recent improvements to Lake Park.

20140206 335 Allgood Road

Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 335 Allgood Road, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by Title 22 of the Georgia Code in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to the above law.

20140207 329 Allgood Road

Motion to authorize city staff and city attorney to commence eminent domain proceedings on property known as 329 Allgood Road, Marietta, Georgia and to authorize and direct the city staff and the city attorney to take any and all action required by Title 22 of the Georgia Code in order to acquire fee simple title to the aforementioned property. This authorization shall include the giving of proper written notice, the posting of the property, the required legal advertisements in order to commence the condemnation process and any other action required or appropriate pursuant to the above law.

20140210 Acquisition of 409 N. Marietta Parkway

A motion authorizing the acquisition of 409 North Marietta Parkway from the Marietta Redevelopment Corporation in exchange for \$91,000.

20140205 500 N. Fairground Street

Motion to authorize the acquisition of property owned at 500 N. Fairground Street by RONALD OGUNLEYE on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

PUBLIC HEARING

* **20140352 759 Hickory Drive**

Motion awarding bid for property adjacent to 759 Hickory Drive to Jerry and Kathy Baskin in accordance with the attached legal description.

20140212 Installation of Temporary Fence at 321 Allgood Rd.

Motion to authorize the installation of a temporary fence on the northern boundary of city owned property located at 321 Allgood Rd.

5. Personnel/Insurance: Johnny Walker, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20140305 Standard Operating Procedures for Marietta Police Department**

Motion to approve revisions to the following Standard Operating Procedures for the Marietta Police Department: A030 Code of Conduct, A037 Intern Program, A044 Uniforms, Equipment & Dept. Property, C060 Volunteer Program, P010 Patrol Operations, P020 Missing Persons, P040 Routine & Emergency Driving, P041 Pursuit of Motor Vehicles, P042 Road Blocks, P044 Police Vehicles, S046 Asset Forfeiture.

7. Public Works Committee: Grif Chalfant, Chairperson

* **20140185 CCTP Short Term Work Plan**

Motion authorizing Public Works to provide the CCTP Short Term Work Plan to Cobb County.

* **20131486 No Parking Zone**

Motion to approve request by Cindy Lu to modify existing loading zone on Cherokee Street.

Philip Goldstein is the owner of and Landlord for the property occupied by the House of Lu.

Council member Goldstein abstaining.

- * **20140298 Real Property Agreement between the City of Marietta and GDOT for TE Project (Cemetery Trail)**
- Motion to approve the Real Property Agreement with the Georgia Department of Transportation (GDOT) as part of the ROW Certification process for the Cemetery Trail project.
- * **20140299 Real Property Agreement between the City of Marietta and GDOT for TE Project (KMCR Gap Trail)**
- Motion to approve the Real Property Agreement with the Georgia Department of Transportation (GDOT) as part of the ROW Certification process for the KMCR Gap Trail project.
- * **20140300 Real Property Agreement between the City of Marietta and GDOT for TE Project (Atherton Square)**
- Motion to approve the Real Property Agreement with the Georgia Department of Transportation (GDOT) as part of the ROW Certification process for the Atherton Square Revitalization project.
- * **20140301 Zayo Communications Overhead Utilities**
- Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:
1. Zayo Communications project FGA23311 for overlash of existing fiber optic cable from Maple Avenue to Chestnut Hill Road.
- This motion does not grant a perpetual variance. Zayo Communications must relocate underground at their expense if other utilities at the location are moved underground.
- * **20140336 Proposed Scufflegritt Road Pedestrian Crossing at Whitaker Park**
- Motion authorizing Public Works to install a pedestrian crossing with a rapid flashing beacon over Scufflegritt Road between East Worthington Parkway and Whitaker Park.
- * **20140303 Speed Radar Sign on Cherokee Street**
- Motion authorizing installation of one speed radar sign on Cherokee Street.

20130542 Wellstar Bridge

Motion to approve Easement and Bridge Agreement between the City of Marietta, Georgia and Wellstar Health System, Inc., Kennestone Hospital, Inc., d/b/a Wellstar Kennestone Regional Medical Center and Cobb County Kennestone Hospital Authority, subject to the terms and conditions set forth in the Easement and Bridge Agreement.

20140183 2016 SPLOST

Motion to approve 2016 SPLOST list.

OTHER BUSINESS:*** 20140216 V2014-05 QuikTrip Corporation, Inc. 692 Powder Springs Street**

V2014-05 [VARIANCE] QUIKTRIP CORPORATION, INC. request the following variances for property located in Land Lot 02140, District 17, Parcel 0680 and being known as 692 Powder Springs Street:

1. Variance from the requirements for planted strip border areas, but to require planting of six (6) Willow Oak trees (or similar street tree species), and a minimum 3-inch caliper, as shown on the attached site plan. Location of the required street trees shall be subject to Georgia DOT approval.
2. Variance to increase the allowable height for a monument sign on Powder Springs Street from 15' to 16'4".

20140283 V2014-06 Bercher Homes 224 and 226 Crescent Circle

V2014-06 BERCHER HOMES requests the following variance for property located in Land Lot 12310, District 16, Parcels 0260 and 0270 and being known as 224 and 226 Crescent Circle:

1. Variance to reduce the rear yard setback from 25' to 0'. [\$712.09 (G.2.b.ii.)]

*** 20140390 849 Franklin Road**

Motion authorizing transfer of a portion of the property at 849 Franklin Road from City owned property to right-of-way for the purpose of constructing the Franklin Road Improvements - From Twin Brooks to Las Colinas Apartments in exchange for \$81,950.00 to reimburse the Franklin Road Development Bond.

* **20140391 861 Franklin Road**

Motion authorizing transfer of a portion of the property at 861 Franklin Road from City owned property to right-of-way for the purpose of constructing the Franklin Road Improvements - From Twin Brooks to Las Colinas Apartments in exchange for \$64,650.00 to reimburse the Franklin Road Development Bond.

* **20140392 1401 and 1409 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1401 and 1409 Powder Springs Street from Matalon Properties, LLC for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$10,877.00.

* **20140393 1255 Powder Springs Street**

Motion authorizing acquisition of a portion of property and easements at 1255 Powder Springs Street from Corman Investments, LLC for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$10,326.00.

* **20140394 760 Polk Street**

Motion authorizing acquisition of the entire parcel at 760 Polk Street from Willa Vee Weaver for the purpose of constructing the Polk Street and Mountain View Road Intersection Improvements project in exchange for \$110,000.00.

* **20140382 TIGER Grant**

Motion to authorize staff to submit the necessary documents for the TIGER Grant.

* **20140386 Lawrence Street Recreation Center**

Motion to move forward with the development and funding in the amount of \$1,216,886 for the Lawrence Street Recreation Center.

20140363 Preston Chase Property

Motion to approve the use of funds in the amount of \$3,286,281.22 from the 2013 Redevelopment Bond Fund to purchase property known as Preston Chase located at 1034 Franklin Road, said proceeds shall be used to replenish the 2009 Parks Bond

* **20140370 BLW Actions of the April 7, 2014**

Review and approval of the April 7, 2014 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: